

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action dated October 29, 2003. Claims 1-27 and 29-47 are pending in the present application. Claims 1-27 and 29-47 have been rejected. Claims 2, 9, and 20 have been amended to correct typographical and grammatical errors. Applicant respectfully submits that no new matter has been presented. Accordingly, claims 1-27 and 29-47 remain pending. For the reasons set forth more fully below, Applicant respectfully submits that the claims as presented are allowable. Consequently, reconsideration, allowance, and passage to issue are respectfully requested.

Claim Rejections - 35 U.S.C. §103

The Examiner has stated:

Claims 1-47 are rejected under U.S.C. 103(a) as being unpatentable over Boucher et al. (US 6226680 B1). ...

As per claims 1, 2, 6, 10, 11, 15, 19, 20, and 24, Boucher teaches ... (b) adding a first header ... (see col.2, lines 35-54 and col.6, lines 28-32); ... (d) invoking a send procedure of a second and lower protocol layer of the communications protocol ... (see col.2, lines 49-54); (e) transferring ..., wherein the payload data is not copied in preparation for or during the send procedure (see col.3, lines 56-64, col.5, lines 32-37; and col.9, lines 36-52); ... (m) transferring ..., wherein the payload data is not copied in preparation for or during the receive procedure (see col.3, lines 56-64; col.5, lines 32-37; and col.9, lines 36-52).

... Although Boucher teaches ... processing "on the fly" so that all "protocol headers for a packet can be processed without copying, moving or storing the data between protocol layers" (see col. 9, lines 41-43), he does not teach that the system still processes the headers in the conventional way of adding headers to the payload data while traveling through the layers, but such step and means are well known in the art (see col. 2, lines 19-60). Therefore, it would have been obvious ... to employ the teachings of known prior ... within the system of Boucher by adding headers through the layers because Boucher teaches still teaches of processing all headers for a packet as referenced above.

As per claims 29, 38, and 39, Boucher teaches ... wherein the payload data is not copied during and between being processed by the first and second protocol layers (see col. 3, lines 56-64; col. 5, lines 32-37; and col. 9, lines 36-52).

Response to Remarks:

In response to the first argument regarding the differences of the teachings of Boucher in versus the claimed invention, please see claim 1 motivation. Also

Boucher clearly teaches the element of not copying the payload data for or during the send and receive procedure.

In response to the second argument regarding Boucher teaching payload data being copied, specifically column 2, lines 51-54, Boucher is clearly teaching what is known and employed in the art. That reference location was specified to teach the limitations of the steps of headers being added as the data is traveling through the layers of the steps of headers being added as the data is traveled through the layers in preparation for transmission, which is well known and currently employed in the art.

Applicant's arguments with respect to the Isfeld reference have been considered but are moot in view of the new ground(s) of rejection.

Similarly, new claims 29-47 have been rejected since Boucher clearly suggests or teaches the element of "wherein the payload data is not copied in preparation for or during the send procedure" and "receive procedure".

Applicant respectfully disagrees with the Examiner's rejections. For the Examiner's convenience, independent claim 1 is reproduced in its entirety herein below.

Claim 1

1. (previously amended) In a network having a sending computer system and a receiving computer system, each of the sending and receiving computer systems including a processor, a memory and a network adapter, the memory containing a data structure used for storing a common data buffer, a method for sending and receiving payload data by layers or sub-layers of at least one communications protocol, comprising the steps of:

- (a) storing a first start pointer pointing to a first byte of the payload data in a first common data buffer of the sending computer system;
- (b) adding a first header to the payload data in the first common data buffer at a location preceding the byte pointed to by the first start pointer according to a first protocol layer of the communications protocol at the sending computer system;
- (c) adjusting the first start pointer to point to a first byte of the first header;
- (d) invoking a send procedure of a second and lower protocol layer of the communications protocol at the sending computer system;
- (e) transferring to the second protocol layer the start pointer by the send procedure, wherein the payload data is not copied in preparation for or during the send procedure;
- (f) adding a second header to the payload data in the first common data buffer at a location preceding the first start pointer;
- (g) sending the payload data and the first and second headers to the receiving computer system;

- (h) storing the payload data and the first and second headers in a second common data buffer of the receiving computer system;
- (i) invoking a receive procedure of a second protocol layer of the communications protocol at the receiving computer system;
- (j) storing a second start pointer pointing to a first byte of the second header in the second common data buffer;
- (k) adjusting the second start pointer to point to the first byte of the first header according to the second protocol layer at the receiving computer system;
- (l) invoking a receive procedure of a first and higher protocol layer of the communications protocol at the receiving computer system; and
- (m) transferring to the first protocol layer at the receiving computer system the second start pointer, wherein the payload data is not copied in preparation for or during the receive procedure.

The present invention provides a method for allowing the sharing of code between communications protocol layers and for eliminating the need for copying payload data between protocol layers in a sending system before the payload data is sent and between protocol layers in a receiving system after the payload data is received. A table describing seven standardized protocol layers (the "OSI Model") can be found in the specification beginning on page 2, line 11. The method of the present invention is accomplished by the creation of a generic protocol layer class (GPLC) having send and receive procedures and a common data buffer in which sent or received payload data is placed and acted upon by each protocol layer implemented with the GPLC. Instead of copying the payload data passed to it by a higher or lower protocol layer, a protocol layer acts upon the common data buffer by moving a "start" pointer and an "end" pointer along the data contained in the common data buffer prior to invoking the next higher or lower protocol layer. Each protocol layer can then process the payload data without it having to be copied. This reduces the amount of memory and processing time required for processing the payload data (Summary). Boucher does not teach or suggest these features, as discussed below.

Boucher discloses a system for protocol processing in a computer network and includes an intelligent network interface card, which provides a fast-path that avoids conventional protocol processing for messages, greatly accelerating data communication (Abstract).

However, Boucher does not teach or suggest the *combination of* processing payload data **using first and second protocol layers**, wherein the “payload data is **not copied** in preparation for or during the send procedure” and wherein the “payload data is **not copied** in preparation for or during the receive procedure,” as recited in steps (b), (d), (e), and (m) of independent claim 1. Applicant agrees with the Examiner that the conventional way of adding headers to the payload data while traveling through the layers are well known in the art. Applicant also concedes that Boucher teaches transmitting payload data between hosts using a “fast-path” where “all of the headers of a packet can be processed without copying, moving, or storing the data between protocol layers” (column 9, lines 36-52). However, the conventional method and the method of Boucher cannot be combined to provide the present invention as claimed, as discussed below.

Referring to Figure 6 and column 9, lines 36-52, of Boucher, the method using the fast-path and the conventional method of transmitting payload data using protocol layers are **mutually exclusive**. In other words, the method using the fast-path bypasses **the conventional method of using protocol layers**. Boucher clearly does not teach or suggest that the conventional method of transmitting payload data using protocol layers can be done without copying the payload data. In fact, with regard to using protocol layers, Boucher teaches that each step typically includes “data moving and **copying**” (column 2, lines 51-54) and that “**repeated data copies** may also be necessary for the receiving host to place the data in an appropriate form at its intended destination” (column 2, lines 64-67). These descriptions strongly suggest that

Boucher *teaches away* from the present invention as claimed, where payload data is **not** copied in preparation for or during send and receive procedures using protocol layers.

Therefore, Boucher does not teach or suggest the combination of steps as recited in amended independent claim 1, and this claim is allowable over Boucher.

Independent claims 2, 6, 10-11, 15, 19-20, and 24

Independent claims 2, 6, 10-11, 15, 19-20, and 24 recite send- and/or receive-procedures using first and second protocol layers, “wherein the payload data is not copied in preparation for or during the send procedure” and/or “receive procedure.” As described above, with respect to independent claim 1, Boucher does not teach or suggest this combination of features.

Accordingly, the above-articulated arguments related to independent claim 1 apply with equal force to claims 2, 6, 10-11, 15, 19-20, and 24. Therefore, these claims are allowable over the cited reference for at least the same reasons as claim 1.

Independent claims 29, 38, and 39

Similar to independent claim 1, independent claims 29, 38, and 39 recite steps for processing payload data using first and second protocol layers, “wherein the payload data is not copied.” As described above, with respect to independent claim 1, Boucher does not teach or suggest this combination of features. Accordingly, the above-articulated arguments related to independent claim 1 apply with equal force to claims 29, 38, and 39. Therefore, these claims are allowable over the cited reference for at least the same reasons as claim 1.

Remaining dependent claims

Dependent claims 3-5, 7-9, 12-14, 16-18, 21-23, 25-27, 30-37, and 40-47 dependent from independent claims 2, 6, 11, 15, 20, 24, 29, and 39, respectively. Accordingly, the above-articulated arguments related to claims 2, 6, 11, 15, 20, 24, 29, and 39 apply with equal force to claims 3-5, 7-9, 12-14, 16-18, 21-23, 25-27, 30-37, and 40-47, which are thus allowable over the cited references for at least the same reasons as claims 2, 6, 11, 15, 20, 24, 29, and 39.

Conclusion

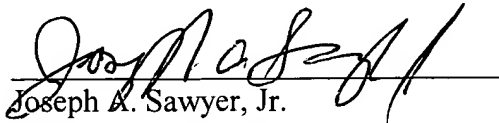
In view of the foregoing, Applicant submits that claims 1-27 and 29-47 are patentable over the cited reference. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date



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